

**COMMISSION CONFERENCE
2001**

MARCH 15,

**Agenda
Item**

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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore and Smith

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

Mayor Naugle advised that a request had been received to consider Item I-C first. There were no objections.

I-C – Comprehensive Annual Financial Report – Fiscal Year Ended September 30, 2000

A presentation was scheduled on the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2000, and Auditors' Opinion and Comments. Mr. Damon Adams, Director of Finance, presented the Annual Financial Report that covered all funds. He noted that Commissioner Smith had located a small error on page 2, and he advised that the increase in the tax roll had been \$900 million. He also understood there was a concern about a draw down from the self-insurance fund. Mr. Adams said that happened from time to time, depending on claim experience, and premiums would be adjusted accordingly to bring the balance back up to expected levels.

Mr. Adams introduced *Mr. Jim Hutchinson*, Auditor. He stated that the audit had been performed in accordance with generally accepted auditing standards, and a "clean opinion" had been issued on the financial statements. Mr. Hutchinson explained that meant that all of the required disclosures had been included in the general purpose financial statements, and that the statements themselves were fairly presented.

Mr. Hutchinson noted that there were several other reports on which comment was offered, and the primary one was the single audit of grants. Again, a clean report had been issued. In addition, internal controls and compliance with various laws and regulations had been examined. He stated that there had been no material findings in that regard. Mr. Hutchinson pointed out that a management letter had also been issued noting any observations made during the audit. He advised that management responses were also included. Mr. Hutchinson stated that management had been entirely cooperative and provided all information requested in a timely fashion. There had been no disagreements, and all adjusting entries had been made as requested.

Commissioner Katz referred to pages 126 through 129 related to compliance findings, and Mr. Adams had responded. She wondered if any follow-up was done to ensure the items mentioned were implemented. Mr. Hutchinson stated that all comments were followed up in the next year, and one of the first things done this year had been to review comments made last year.

Commissioner Smith referred to page 11 related to water rates. He wondered why there had been such a substantial decrease in the collection of fines this past year. Mr. Adams stated that in the previous year there had been a concentrated effort to collect a lot of delinquent fines, particularly in the Code enforcement area. Therefore, there had been a decrease by comparison, but the amount collected was more the norm. Commissioner Smith requested a Friday memo in this regard. Mayor Naugle believed the previous administration had been lax in collecting fines.

Commissioner Smith noted that the principal taxpayers were listed as Keystone Florida Properties and Northwestern Mutual Life. He wondered if those companies owned the Galleria Mall. Mr. Boe Cole, City Treasurer, believed Northwestern Mutual Life owned property at Cypress Creek Road and Andrews Avenue, and Keystone Florida Properties owned the Galleria Mall. Commissioner Smith had found a lot of interesting facts at the back of the report.

Commissioner Moore asked about the other firms that had been involved in the audit through subcontracts. Staff advised that Sharpton & Bradford had provided services under the contract. Commissioner Moore referred to the schedule on page 131. It referred to matching funds, and he asked if the auditor was requesting a correction when it came to the U.S. Justice Department Program. Staff replied that was a summary of the agency findings, and the City would work out a resolution with the individual agency.

Commissioner Moore pointed out that there were indications the City had failed to submit financial reports on a timely basis with respect to several federal programs. Mr. Adams believed those were in years 1997 and 1998 in terms of the "Weed and Seed" Program. However, he understood the City was current now. Ms. Faye Outlaw, Community Development, agreed that was correct. Mayor Naugle said he used to receive a lot of letters about reports not being submitted on time, but it appeared the City was doing a better job since Mr. Johnson had become the City Manager. Commissioner Moore pointed out that this was very important.

Commissioner Moore understood there would be an increase in premium payments for the self-insurance fund. Mr. Adams agreed that was correct. He explained that there were some years in which claim experience was not as good as others. When that happened, the revenue had to be made up to keep the fund sound. Commissioner Moore asked if there was a particular amount auditors liked to see in the fund. Mr. Hutchinson replied that a fund balance was generally acceptable, but it was not unusual in an insurance fund to end up with a deficit due to fluctuations from year to year. Further, one or two significant claims could have a major impact.

Commissioner Moore asked if there had been any substantial claims. Mayor Naugle believed there had been a large claim on an improper demolition. The Risk Manager agreed that was correct, and a 1997 automobile claim was also paid. Therefore, large amounts were paid out during the subject fiscal period, although they had involved cases that had occurred in previous years. Commissioner Moore asked if the insurance fund was adequately funded to address the discrimination cases that had apparently been filed. The Risk Manager stated that when claims were made, they were annualized in the amount of the potential loss. Mr. Adams noted that there was a fund balance of \$873,000.

Action: Approved.

I-A – School Board of Broward County

A discussion was scheduled regarding the West Side School Administration Facility and South Side School properties, and other related matters of interest to the City. Mayor Naugle introduced *Mr. Benjamin Williams* and *Ms. Judie Budnick*, members of the Broward County School Board. He also introduced members of the City's Education Advisory Board.

The City Manager recalled that the Advisory Board had presented some suggestions at the last Commission meeting related to the adequacy of school facilities in Fort Lauderdale into the future. The Commission had subsequently requested a meeting with School Board representatives so they might present these recommendations to the full School Board.

Mr. John Wilkes, Chair of the Education Advisory Board, explained that the Board felt issuance of Requests for Proposals (RFPs) on the South Side and West Side sides was premature in light of the City's future school needs. He thought this meeting should have been held before the School Board declared these properties surplus, and he believed the decision had been based on outdated and inaccurate information or false assumptions.

At 2:29 P.M., Commissioner Moore left the meeting.

Mr. Wilkes believed the development that had occurred in Broward County had reached its western limit and was coming eastward again. He pointed out that there would be some 10,000 additional housing units built in Fort Lauderdale, and the existing school facilities would not address these future needs. Mr. Wilkes felt these two sites would be ideal for meeting those needs, and it would be difficult to duplicate those sites once they were gone.

Mayor Naugle explained that the Board had presented its concerns to the City Commission, which had agreed with its assessment of the situation. Mr. Williams stated that some research had been done by the "Miami Herald" about 17 or 18 years ago when the population had been moving westward. However, he agreed there was a migration eastward, and he expected young families to move eastward.

Commissioner Smith wondered what the chances were of convincing the School Board to hold on to these two properties. Mr. Williams was sure the School Board would take the City Commission's position into consideration.

Ms. Budnick did not know there was a rush to accept any proposals received on the two sites. She understood some 4,500 to 5,200 units were at issue, but there was space at Croissant Park. In addition, Bennett Elementary was under enrolled, and Bayview Elementary seemed to have a high rate of reassignment. She reported that some major renovations were planned for Harbordale Elementary, and several hundred more students could be accommodated at this facility. Ms. Budnick believed these facilities would accommodate current and future needs.

At 2:36 P.M., Commissioner Moore returned to the meeting.

Ms. Budnick said that Virginia S. Young Elementary had very few local students, and it was currently under enrolled by 100 students. She expected the number of students to be less next year, too. Ms. Budnick explained that this was a magnet school with students from other communities, but it could be dedicated as a local school as necessary. She stated that if the subject sites were sold and additional schools were needed in the future, it was possible that the locations of these two sites would not be compatible with the actual development that occurred in the future. Ms. Budnick also noted that South Side was in the historic district, which could have great impact on the cost of bricks and mortar, and she did not think there would be enough students to make renovation financially feasible as a result.

Ms. Budnick pointed out that Sailboat Bend was also in the historic district, but there was more land, which allowed for greater flexibility and enough space for the number of students that would make it financially feasible. Ms. Budnick supported “future thinking,” but she felt both City and County staff should work together because the numbers were not “jiving.” She also wondered why the sense of urgency seemed greater on one side of the table than the other.

Mayor Naugle referred to Hortt Elementary, which had a lot of support for reopening. He wondered if money could be set aside for other City schools should the School Board decide to sell one of these two sites. Mr. Williams thought that was a possibility, but various factors had to be considered.

Commissioner Hutchinson believed the “future” meant in 5 years, not 15 years. She thought the older neighborhoods were regentrifying and more people could afford the older homes and were looking for neighborhood schools. She liked the South Side School site, as did a lot of people who lived in her district. Commissioner Hutchinson thought consideration should be given to urban infill schools of 2 or 3 stories in areas with many workers. She recalled a School Board meeting a few months ago, and there had been discussion about the City being given the first right of refusal as to the South Side site. However, she did not see any mention of it in the RFP. Commissioner Hutchinson noted that the RFP also indicated that zoning was in place for redevelopment, but she believed the zoning was CF – Community Facility. Ms. Cecelia Hollar, Construction Services, reported that the South Side School had RAC zoning.

Commissioner Hutchinson was concerned about Sailboat Bend because there was environmental damage, and she felt the cost of the clean up should be borne by the School Board. She advised that there was a company working with the neighborhood on this site, and she wanted to retain this site. Commissioner Hutchinson hoped this effort would be seriously considered when proposals were received if the School Board decided to dispose of the site.

Ms. Budnick said she had attended a meeting in Sailboat Bend and had spoken with area residents in this regard. She had found no one who had objected to the concept of an art colony concept. Commissioner Hutchinson said her concern was the RFP process on both of the sites. She felt they should be amended. *Mr. Lista Panchuck*, of the School Board, was not sure the RFPs could be amended at this point.

Mr. Williams inquired about neighborhood plans for West Side School. Commissioner Hutchinson replied that much of the discussion centered on redevelopment of the site, although the neighborhood wanted to preserve a large portion of it as a park. She thought that was due to the fact that the school had been vacant for so long. Mayor Naugle believed the close proximity of Northfork School was another factor. Commissioner Hutchinson said there were real concerns about what happened on the West Side property, and a developer was interested, who was working very closely with the neighborhood. She pointed out that was very unusual, and she encouraged the School Board to consider this company before making a decision on the property.

Commissioner Smith referred to middle schools. He stated that Sunrise Middle was overcrowded, and that had caused concerns in the community over the past few years. Commissioner Smith noted that Bennett Elementary was under enrolled, and he wondered about the possibility of sending the 6th graders to that school to alleviate some of the crowding at Sunrise Middle. He thought it would be nice if there was another option in terms of middle schools.

Mr. Williams stated that there were other options in terms of middle schools, although they might not be within someone's neighborhood. He explained there were various patterns of school choice. Commissioner Smith said his son's guidance counselor had suggested he send him 30 miles away to Sawgrass. Mr. Williams said that every school had good programs, and every school needed to improve in order to meet the needs of all students.

Mayor Naugle recognized the presence of Senator Stephen Geller. Mr. Williams stated that he had no problem with the testing of schools related to the State's A+ Plan. However, he did have a problem with the test results coming too late in order to develop strategies to meet the needs of students. Mr. Williams noted that a new school was planned for 19th Street and 23rd Avenue due to over crowding at Sunrise Middle and William Dandy.

Ms. Budnick referred to the idea of mixing the 6th graders with elementary school students. She explained that an evaluation needed to be made of the Kindergarten through 8th grade programs and the school configurations based on systems used elsewhere in the country. She stated that this was a policy matter for the School Board, and some people felt 6th graders benefited from the extra half hour of school at the middle school level and interacting with older children.

Commissioner Katz pointed out that the programming could be debated forever, and different programming was favored at different times. However, there was a problem with Sunrise Middle School now. Ms. Budnick did not expect program evaluation to take years. She expected results in months.

Commissioner Moore was honored that Ms. Budnick and Mr. Williams had attended this meeting, and he concurred with the concerns of the Education Advisory Board. He said it was most important to him that if these two properties were sold, the funds remain in Fort Lauderdale for future acquisitions or expansions of existing schools. Commissioner Moore pointed out that Fort Lauderdale was where gentrification would take place.

Commissioner Moore said he had spoken with Representative Smith this morning, and he was seeking funds to expand Northfork Elementary School onto some adjacent property. He understood several hundred thousand dollars had been appropriated in order to connect with the science program at Riverland. Commissioner Moore hoped the School Board would use its lobbying efforts to help assemble the properties and make the property more attractive for people to use this facility.

Commissioner Moore noted that at the suggestion of the Education Advisory Board, the Commission had agreed to promote all the schools in Fort Lauderdale, both public and private. He thought it would be best to do that by coordinating with the curriculum at the various City schools, and he pointed out that the City's lobbyist could help deal with the legislative matters to bring State funds in to serve the population.

Commissioner Moore said nothing frustrated him more than community-based groups that did not have anywhere for their meetings when there were schools throughout the City. He stated that a neighborhood group had recently requested permission to use the local school cafeteria while its usual facility was being renovated, and it had been discouraged by the insurance and other requirements. He pointed out that those people had paid for the school, and he felt they should be able to use it. Commissioner Moore also wanted to address the State's requirements about the heights of schools because it might be impossible to meet the needs of students in urban areas otherwise.

Ms. Budnick believed 2- and 3-story schools had been approved. Insofar as lobbying was concerned, she stated that the School Board's legislative package had already been put together at this late date, and she had not seen the City's. Commissioner Moore suggested that the City Manager pursue it with School Board staff. Mayor Naugle advised there was a strong legislative group between the School Board, the League of Cities, and the County. Mr. Williams thought it would be helpful if someone from the Education Advisory Board represented the City at the School Board.

Ms. Budnick discussed some of the activities in other communities with respect to promoting the schools, such as "Realtor Days" and open houses to showcase the facilities. She referred to the use of schools by community groups and said there had been no problem when people had contacted her to intervene with the "red tape." Commissioner Moore thought it would be very helpful if Ms. Budnick would send a memo to all the schools letting them know it was acceptable to allow civic associations and the like to use their facilities. Mr. Williams felt some process should be developed to serve the purpose.

Mr. Wilkes suggested that Fort Lauderdale High School be designated as an AP magnet school. Ms. Budnick understood he wanted it to be a "option" school. Mr. Wilkes did not know the terminology the schools used, but funds were necessary to accommodate the students. He advised that the AP program was very successful, and he was seeking School Board support of this because eastern schools had been ignored for many years. He felt this would help address the issue of under enrolled schools, but there would be families coming into the downtown area in the near future.

Mr. Wilkes was very concerned that an RFP had been issued to sell vital, downtown School Board properties because it would cost much more to replace them in the future. He hoped the School Board would reconsider the decision, and he felt the City should determine what legal right it had to refuse to rezone a property. Mr. Wilkes also thought the City should have the right of first refusal on both sites. He felt the RFP process should be stopped now until all of the questions had been answered.

Mayor Naugle thought it would be helpful if School Board staff met with the Education Advisory Board to share ideas. He also felt it would be helpful if information could be obtained about the number of school age children in the first downtown housing site – New River Village. He noted that there were 250 units in that development. *Mr. Tom Moore*, Demographer, stated that Phase I of New River Village had 200 units occupied in December, and there were 2 public elementary school students at that time. Ms. Budnick had been told there were 2 elementary school-aged children. Mayor Naugle also hoped that the idea of earmarking funds for Fort Lauderdale be developed if the School Board properties were sold. In addition, he wanted to consider preservation of these sites. Since both sites were in Commissioner Hutchinson's district, he asked that she be notified when School Board staff would be making a presentation to the Education Advisory Board.

Ms. Budnick advised that School Board staff could provide information about current conditions, but City staff would know better what was planned in the future. Mayor Naugle agreed City Planning Division staff should provide information. Mr. Moore advised that he had met with Chris Barton about potential downtown developments in December.

Commissioner Moore congratulated the School Board on its efforts on the Old Dillard Museum, and he hoped even more could be done. He also wanted to urge the School Board to consider some adult education programs in Fort Lauderdale. Commissioner Smith thought that might be a good use for the South Side site. Mayor Naugle asked that a consensus letter be prepared with regard to the request for the AP designation at Fort Lauderdale High School from the Education Advisory Board. He thanked Mr. Williams and Mr. Budnick for joining the Commission today and encouraged them to contact the City if they had any ideas how they could be better partners.

Action: As discussed.

At 3:33 P.M., the meeting was recessed. It was reconvened at 3:43 P.M.

I-B – Code Enforcement Board

The City Commission had scheduled a joint discussion with the Code Enforcement Board regarding issues of interest and other related matters. The City Manager introduced Ms. Lori Milano, Director of Community Inspections, who had provided a written report to provide the basis for today's discussion.

Ms. Milano recalled that the Commission had expressed concerns about extensions of compliance dates, abatement of fines, and continuances granted by the Code Enforcement Board. She provided an analysis of the activities of the Board and the 2 Special Masters. The Board members introduced themselves and described their backgrounds.

Commissioner Hutchinson had noted the statistical information distributed as Exhibit 3, and she was concerned about the significant number of fines the Board seemed to abate, which amounted to almost \$500,000 over 9 meetings compared to less than \$7,000 over 24 meetings of the Special Master. She assumed fines were incurred for legitimate violations on the subject properties.

Ms. Milano noted that the Special Master conducted 2 meetings per month. As to fine abatement, the Board had historically imposed somewhat higher fines, and it usually considered fine abatement only after compliance had been achieved. She stated that the Special Master usually left staff to handle fines administratively, and those were presented to the Commission in the form of settlements.

Commissioner Katz had noticed that the Special Master had extended the compliance date in 8 cases over a 12-month period, while the Board had granted 108 extensions. *Mr. Alan Vordermeier*, Chairman of the Board, wished the Commissioners would attend the meetings because extensions were usually granted because of issues relating to the South Florida Building Code or the National Fire Code. He pointed out that cases presented to the Special Master typically pertained to local ordinances and often involved things people had known they should not do. However, many of the respondents who appeared before the Board had inherited building or zoning problems, and legal proceedings were often necessary in those cases.

Ms. Vicki Revier, Board Member, also pointed out that some property owners had violations for which they wanted to seek variances, which caused delays.

Commissioner Smith inquired about the Board's philosophy on the abatement of fines. *Mr. Vordermeier* pointed out that the role of the Board was to promote, protect, and improve the health, safety and welfare of the citizens of the City by providing an equitable and expeditious, effective and inexpensive method of enforcing the various technical laws and Codes in force. He explained that many people were unaware of those laws and Codes, and they often did not understand how to address the problems. Then, they had to get involved in the City's permitting process, and he noted that City staff had acknowledged losing plans. *Mr. Vordermeier* pointed out that this was time consuming and expensive, and he felt the Board had to grant additional time in those cases. He thought the purpose of the Board was to get compliance, and he did not want to add to burdens with heavy fines.

Mr. Vordermeier believed that all it took for someone to be taken before the Board was for them to upset a neighbor. Mayor Naugle was sure every property in Fort Lauderdale had Code violations. He recalled an experience last year involving an invalid mother and her daughter. The daughter had appeared in tears because a neighbor had complained about a carport that had been enclosed by her father 25 years before. The structure had weathered several hurricanes, and their home was the prettiest home in the neighborhood. *Mr. Vordermeier* said the respondent had indicated they did not have the money to fix the violation, and they would lose their home. Therefore, volunteers had fixed the problem, and the cost had been \$6,000 to undo this violation.

Commissioner Smith understood the cost had not related to fines, but the actual cost of addressing the violation. *Mr. Vordermeier* agreed that was correct. *Ms. Revier* pointed out that sealed architectural drawings were required to obtain permits, and it could be very costly.

Mr. Don Larson, Board member, said he was a former builder and another thing that caused delays was that contractors were not interested in performing what they considered to be small jobs. *Mr. Vordermeier* acknowledged that the Board was sensitive to these costs, although there were people who “played games.” To the extent that those people did not move expeditiously, the Board would start fining them, which was a somewhat different philosophy than the Board had in the past.

Commissioner Smith believed this Commission had repeatedly set Code enforcement priorities, and he thought they had been very clear that the type of case described by *Mr. Vordermeier* was not the sort of thing they were seeking. He felt there should be some flexibility in the system, but Inspectors seemed determined to address items installed without permits. Commissioner Smith thought that if someone had a lovely home with a carport that had been installed 25 years ago, the situation should be left alone.

Mr. Vordermeier said the Board had some recommendations indicating that certain structures, after some set period of time had expired, should be “grandfathered” in. Commissioner Smith thought that was a good idea. Mayor Naugle pointed out that might not be something the City could accomplish through its Code of Ordinances because many of the citations related to violations of State or national Codes. He noted that the City could try to get legislation introduced to address those matters, however.

Commissioner Katz said she did not want to be heartless, but her concern involved those who took advantage of the system and kept violations going year after year while the neighborhood had to live with an eyesore. She had seen this happen time and again, and she was interested in the Board’s suggestions about how to separate those cases from the types of cases discussed earlier. Commissioner Katz did not think any Commissioner wanted neighborhoods impacted by violations that should be corrected within a reasonable time frame. If the Board was aware of the people who took advantage of the system, she hoped it would take command and stop that type of behavior.

Mr. Vordermeier said the Board’s philosophy was that extensions would only be granted if respondents could demonstrate that delays were not their fault. *Ms. Revier* pointed out that fines could grow and grow because the process could take so long.

Commissioner Moore wondered why architectural drawings were required in the example used earlier for the enclosed carport. The City Attorney explained that drawings were required by the South Florida Building Code, and the City had to follow the law. He advised that the City could work through the Broward County Board of Rules and Appeals for exemptions. *Ms. Revier* noted that removal of an unpermitted structure could be achieved quickly. *Mr. Vordermeier* acknowledged that was true, but many people did not want to remove a room from a house they had purchased in that condition.

Commissioner Moore thought there had to be some way to reduce the impact under such circumstances, but he differed with Commissioner Smith. He did not think violations should be ignored, but he questioned the methods of compliance. When there was no negative impact, he did not feel fines should be imposed. *Ms. Revier* felt there should be some statute of limitations on these types of structures constructed without permits, in the absence of any life safety issue. She thought that if a structure had survived a certain period of time without problems, she felt it should be grandfathered in.

The City Attorney explained that "grand parenting" occurred when a building was properly permitted and constructed in the first place, but had become non-conforming due to subsequent changes in the law or regulations. In these cases, the structures had been built either without permits or altered without permits. Basically, those were just violations that had not been discovered sooner.

Commissioner Moore asked if the City Commission could direct the Board not to impose fines on violations that had been in existence for more than 5 years if there was no negative visual impact. He believed that would form the basis of some record of the violation. The City Manager cautioned that there could well be life safety issues involved. Commissioner Moore agreed life safety issues should be addressed. Commissioner Smith supported this idea as a policy of the Board. Mr. Vordermeier noted that the Board had voted that way in the past even though they technically should not have done so.

Mayor Naugle believed that this action would have to be taken through an amendment to the South Florida Building Code or some other legislative relief. Ms. Revier thought the Board could vote in favor of the City but impose no fines. She also pointed out that the burden of proof was on the respondent, but sometimes City records of permits had been lost. Commissioner Moore knew of a case involving a property owner who had applied for a permit to erect a tool shed, but now a survey and other documents were required because no one seemed to have a record of the house itself. Mr. Vordermeier agreed many cases were triggered by people trying to do the right thing by seeking improvement permits only to discover some unrelated problem.

Mr. Larson pointed out that many problems were also caused because professionals submitted plans that were rejected due to errors or omissions. Ms. Revier recalled a great number of cases related to security bars installed without permits, but there was a life safety issue because the occupants could not escape in the event of fire. However, without the bars they had no security. Commissioner Moore noted that some City money had been appropriated to assist people with that issue, but detailed drawings were required, and he felt the City should find some method of being customer friendly.

Commissioner Moore said his greatest concern involved absentee landlords. He felt owner-occupied dwellings were one thing, but there were those who illegally subdivided homes to accommodate a greater number of occupants for profit. He wanted to deal with those people through greater fines and foreclosures. Commissioner Moore was most concerned with repeat violators of this nature.

Mr. Birch Willey, Board member, believed the Board was the best customer service venue because its members understood the problems and were customer friendly. However, the Board also had to protect the public, and often imposed higher fines than the Special Master. Nevertheless, once the violation was corrected, the Board often abated fines because a large amount had accrued, and the Board's role was not that of a collection agency. Rather, its role was to achieve compliance.

Commissioner Smith wondered if it was easy to spot "slumlords." Commissioner Katz stated that landlords were not the only concern. She pointed out that there were individuals and businesses that took advantage, imposed on the neighborhood, and then were forgiven the fines. Mr. Vordermeier did not believe fines would be imposed under such circumstances, and he signed a list of "second orders" every month.

Senator Stephen Geller said he had introduced a piece of legislation that would allow the City to change a lien to a money judgment. He pointed out that there were cases in which a City did not want to take ownership of a property, and he believed this legislation would deal with habitual violators. Further, all the City could do now was impose liens, and homesteaded properties could not be foreclosed.

Ms. Milano noted that almost \$200,000 in fines had been collected last year, and almost \$300,000 in the prior year. She also pointed out that the Board had been sensitive to the security bar issue by imposing fines of \$1 per day for bars without permits and allowed 6 months to comply. However, when complaints were received and Inspectors visited properties, they had an obligation to enforce the South Florida Building Code. Ms. Milano stated that staff tried to focus on the Commission's priorities, but if a violation was recorded and not enforced, the City could be liable if something terrible happened later. She also pointed out that 80% of respondents complied without ever being taken before the Board.

Mr. Lakhi Mohnani, former Board member, stated that there had been a test case in Monroe County indicating a 4-year statute of limitations. He also pointed out that the cases heard by the Special Master primarily involved removal of trash or junk cars that could be addressed quickly, but the cases presented to the Board were more involved. Commissioner Moore asked staff to investigate the case mentioned by Mr. Mohnani in Monroe County.

Mr. Mohnani believed Commissioner Katz's concerns had arisen out of the Shelton case because it had taken a long time to bring the property into compliance. Nevertheless, he believed all of the extensions had been justified based on the facts of the case. Further, fine abatements were not typically granted when there were respondents trying to take advantage of the system.

Mr. Jack Braunstein, former Board member, believed a lot of fines had accrued because some of the Board's meetings, especially last year, had been cancelled. As a result, fines could accrue because someone could not get on the agenda in time. Under those circumstances, he felt it was unfair to impose fines. Mr. Braunstein believed in due process, and there were often delays sometimes when other bodies had action pending. He also pointed out that after-the-fact permits required the services of at least a general contractor, so small violations could be very expensive.

Mr. Willey stated that this was not an easy board to serve, and one of the things that made it work was City staff. He did not want to leave this meeting without acknowledging those staff efforts because it was a difficult job.

Commissioner Hutchinson felt this conversation had been very helpful, and she was a little more comfortable about the fines that had been abated. She advised that she had attended a Board meeting about a neglected shopping center, and the Board had done a good job.

Commissioner Smith asked staff to follow up on the statute of limitations mentioned by Mr. Mohnani. Commissioner Moore was also interested.

Ms. Revier pointed out that Inspectors were trying to obtain stipulated agreements with respondents, and that had helped tremendously. Mr. Larson felt the City needed to make the permit process more user friendly.

Commissioner Katz understood she was in the minority but, if a business was impacting a neighborhood for a long period of time, the Board should be stricter. She did not want that to continue in the neighborhoods within her district. Mr. Vordermeier noted the Board could not do anything if a case was pending before some other body. Commissioner Katz did not believe the Board was required to grant extensions.

Mayor Naugle encouraged staff to try to get more stipulated agreements. Mr. Willey noted that Commissioners could let the Board know if there were particular problem properties. Mayor Naugle felt this Board had a very difficult job.

Action: As discussed.

I-D – Project 9957 – Fire Administration Headquarters/Replacement of Fire Station No. 2

A report was presented on the proposed construction of the new Fire Administration headquarters and replacement of Fire Station No. 2. There was no discussion.

Action: Approved.

I-E – Community Shuttle Bus Application – Buz Ferry, Water Taxi

A discussion was scheduled on a proposal from Water Taxi for the City to sponsor its application for funding assistance of the Buz Ferry Service through Broward County's Community Shuttle Bus Program. Commissioner Katz was concerned that there would be no money left if another shuttle was desired. She thought it was a creative idea, but she was concerned about the funds. Mr. Horace McHugh, Assistant to the City Manager, stated that approval of this application would reduce the amount available for other grants within Fort Lauderdale.

Commissioner Smith asked if there were any pending requests for community bus shuttles. Mr. McHugh replied that 2 pilot routes had been approved by the City Commission in Lauderdale Manors and the Galt Ocean Mile. Commissioner Moore said that if there were money left in the grant pool, he would rather see it used for other purposes. He agreed it was a wonderful idea and did not mind this idea as long as there would still be money available for other programs. He wondered if the applicant had approached County officials and if the City had another program ready for funding. Mr. McHugh stated that the existing shuttle could be extended.

Mr. Bob Beckoff, of Water Taxi, said he had approached the County in this regard. He wished to make it clear, however, that he was not asking the Commission to approve funding. Rather, the Commission was being asked to approve the application, and the County would consider the funding. Mr. Beckoff thought that if the City did not submit an application, and he did not either, another City would get the benefit of the funding. He was interested in the funds that were still available after the first round of funding.

If there had still been "money on the table," Commissioner Moore wondered why staff had not let the Commission know. Mr. McHugh pointed out that if the City applied for funding for a particular route, it had to provide a matching amount. It was his understanding the Commission only wanted to spend the amount received from the penny tax, which amounted to about \$200,000. Mayor Naugle understood the City had budgeted \$200,000 for match money. Mr. McHugh added that staff could not recommend additional routes until the benefits of the existing routes were known.

Commissioner Smith felt this application should be moved forward, but he desired additional discussions about more community shuttles in the future. Commissioner Moore agreed, and he thought the Commission should also discuss the amount of matching funds if there were more federal dollars available to benefit the community.

Action: Approved as discussed.

**I-F – Permits for Special Events –
Patron Age Restrictions for Alcoholic Beverage Establishments**

A discussion was scheduled on a proposal to allow for special event permits regarding patron age restrictions for alcoholic beverage establishments, as requested by Commissioner Hutchinson. She explained that there were clubs in Fort Lauderdale that desired creation of this special permit, and they were able to separate the different age groups for concerts. Commissioner Hutchinson proposed a permit process through the City Commission.

Commissioner Katz wondered what would constitute a special event and how often operators would be allowed to stage special events. She would not approve of weekly events, for example. Commissioner Smith pointed out that if the Commission had to approve the permits, it would be twice a month. Commissioner Katz wondered if a time limit should be imposed on events and how it would be enforced. Commissioner Hutchinson understood there were a lot of questions. She wanted staff to provide a recommendation if the Commission did not object to the general concept. Commissioner Moore did not like the idea at all.

Commissioner Smith believed the City had prevailed about the 21-year old age restriction, and if an appropriate venue could provide special events for younger adults that were well monitored and successful, he was willing to consider it. Commissioner Moore pointed out that there was nothing preventing anyone from providing a concert in a proper venue without alcoholic beverages, such as the War Memorial Auditorium, and he did not want to open this door. Mayor Naugle thought it might be too early to consider this while the City was still trying to enforce its age restriction ordinance.

Mr. Skip Murray, operator of the Chili Pepper, encouraged the Commission to give him a chance to present a more detailed proposal in this regard. He had done this before, and it was a music venue, but he could not afford to rent the War Memorial Auditorium. The Police Chief said that if Mr. Murray had a proposal, he and the City Attorney could review it and provide a recommendation. Commissioner Moore hoped the City Attorney would also consider how to avoid replicating events in other areas. Mayor Naugle suggested that Commissioners provide staff with any input before the matter was placed on another agenda.

Action: Proposal to be placed on future Conference agenda.

II-A – Construction of Roller Hockey Facilities

A report was presented on the status of the proposed location, construction and funding for roller hockey facilities. Commissioner Moore did not think it was viable to place these facilities in Holiday Park.

Mr. Steve Williams said he had been active in this issue back in 1992 and 1993, and the main goal in Holiday Park had been to add legitimate activities to displace negative activities. He stated that a master plan had been developed and approved in 1994, and it had included a combination use involving roller hockey and basketball. Mr. Williams advised that a plan had been presented in 1998 to a meeting of the legislative delegation that included a \$400,000 line item budget for a stand alone hockey facility for this Park based on the City's commitment. He wanted to see this facility constructed in Holiday Park.

Commissioner Katz had spoken to a number of people who felt this facility had been promised as part of the City's Parks Bond Issue. She felt it was important to the community, and she supported it in Holiday Park. Commissioner Moore pointed out that the original goal of displacing negative activities with positive activities in Holiday Park had been successful.

Mr. Bill Davell, a roller hockey coach, stated that commitments had been made by the City to provide this facility in Holiday Park, but there had been numerous delays, and the promise had not been kept.

Commissioner Smith supported the Holiday Park location. Commissioner Hutchinson agreed since promises had been made. Commissioner Moore agreed the City should strive to fulfill promises, but he did not feel this was the best use of the money available.

Action: Holiday Park location approved.

At 5:10 P.M. the meeting was recessed so the City Commission could meet privately, in executive closed door session, with regard to litigation strategy in connection with:

- City of Fort Lauderdale v Coolidge-South Markets Equities, L.P.
- (Case No. 00-10449[08]);
- City of Fort Lauderdale v Rosa Mae Bolden, et al
- (Case No. 96-010836[07]); and
- New River Associates, Ltd. v City of Fort Lauderdale
- (Case No. 00-5634[14]).

The meeting was reconvened at 10:27 P.M.

I-G – Summit Las Olas Development

Action: Withdrawn.

II-B – Construction of One-Stop Shop at Lincoln Park Facility

Action: Deferred.

III-B – Advisory Board Vacancies

Action: See Regular Minutes, this date.

IV – City Commission Reports**1. Police – Spring Break**

Commissioner Moore had heard a rumor that the police force would be redeployed during Spring Break. He wondered how the sectors of the community other than the beach area would be addressed. The Police Chief stated that some of the beach patrols were being “beefed up” with one component from the community policing division and some additional people from the tactical units. He said that a disproportionate share of resources were usually devoted to the northwest area, but this redeployment would be temporary to deal with the incredible number of people on the beach. The Police Chief did not feel services to other areas would be reduced.

Commissioner Moore believed disproportionate resources were used in the northwest because there was a disproportionate share of crime in that area. He acknowledged that the beach was the City’s “engine,” but there were residents who felt unsafe in leaving their homes and had to bar their windows. Commissioner Moore did not think it was a good idea to reduce the police presence in that community to address the beach, and he urged some other method of addressing Spring Break.

The Police Chief stated that this effort would not take away the Northwest Raiders or normal patrol procedures, or overtime and grant positions. He explained that he sometimes had to adjust resources for short periods of time to address service demands without exposing residents unduly to crime. The Police Chief pointed out that he had a responsibility to the entire City, and he was professionally comfortable that nothing would be done that would harm residents. Nevertheless, he respected Commissioner Moore’s viewpoint and would take it into consideration.

Commissioner Smith believed that if resources were diverted from his district, the “druggies” would return to 13th Street within a couple of weeks. If that occurred, he hoped there would be some attention. The Police Chief noted that resources were limited, and the Commission might want to consider the kind of night life that was encouraged in Fort Lauderdale. Mayor Naugle suggested that the new motor home be parked on 13th Street. The Police Chief advised that Commissioner Moore had already made a request in that regard, and it would be visible throughout the City. Commissioner Moore thought withdrawal of any of the community policing officers from the northwest area would have a negative impact on that community.

Action: None.

2. Livable Cities Conference

Commissioner Katz noted that 3 Commissioners had attended the Livable Cities Conference, which had been very informative. She had learned how communities were made pedestrian-friendly, and there had been discussions about mass transit, shops and plazas. Commissioner Smith asked that the information be shared with the other Commissioners.

Action: None.

3. Broward County Parks Bond

Commissioner Smith reported that the Broward County Parks Bond Acquisition Board had held its first meeting today. He said it looked as if the County would be able to purchase all of the conservation land and green space with the existing budgeted dollars, and there might be some money left over. Commissioner Smith had been pleased that a number of the Board members had mentioned geographic equity, and he expected the process to go well.

Commissioner Hutchinson said she had received requests from citizens who wanted to send letters to this Board. Commissioner Smith advised he could obtain the appropriate address. Commissioner Katz asked if suggestions about specific sites could be given to Commissioner Smith. He replied they could and noted that an inventory of all the conservation lands and green space had been provided, although he had not received an inventory of the open space parcels that had been identified.

Commissioner Moore wanted to take Commissioner Smith to view some properties because he believed there had been some miscommunications. Mayor Naugle suggested he post a field trip for the whole Commission.

Action: As discussed.

4. Citizens Volunteer Corps (CVC)

Commissioner Smith reported that the CVC would be painting the world's "almost longest" mural at the junk yard at Sunrise Boulevard and I-95 on the last day of the month. He thought it would be a lot of fun, and the Durr's Homeowners' Association would serve lunch. Commissioner Smith encouraged everyone to attend.

Action: As discussed.

5. South Andrews Redevelopment Group

Commissioner Hutchinson reported that she had attended the first meeting of the South Andrews Redevelopment Group last night at Broward General Hospital. She said the group had come together with the common cause of furthering some redevelopment efforts along South Andrews Avenue.

Action: None.

6. Council of Fort Lauderdale Civic Associations

Commissioner Hutchinson reported that the Council of Fort Lauderdale Civic Associations had new leaders.

Action: None.

Meeting adjourned at 10:40 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.